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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,938	01/15/2004	William Patrick Gray	032279.00063	6531

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EXAMINER

BLAU, STEPHEN LUTHER

ART UNIT PAPER NUMBER

3711

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/758,938

Applicant(s)

GRAY, WILLIAM PATRICK

Examiner

Stephen L. Blau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,9,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,9,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Request for Continued Examination (RCE)***

1. The request filed on 24 August 2005 for a Request of Continued Examination (RCE) under 37 CFR 1.53(d) based on parent Application No. 10/758,938 is acceptable and a RCE has been established. An action on the RCE follows.

***Claim Rejections - 35 USC § 112***

2. Canceling claims 1 are agreed with and the rejection under 35 U.S.C. 112, second paragraph, is removed.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3, 9 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer in view of Wu, Lee, Delio and admitted prior art.

Farmer discloses a cavity back putter (Fig. 1) having a sole (Fig. 10C), a top, a back (Fig. 1), a face (Fig. 10C), a face (42), a bore in a top (Figs. 1A, 3, Ref. No. 38, Col. 7, Lns. 21-22), a hosel (26) chosen from a variety of different hosels (lightweight, offset, straight, among others) (Col. 8, Lns. 28-38), a hosel with a length and an upper portion and a foot, a hosel having a length (Figs. 1, 2A), a hosel having an elbow adjacent an upper portion (Fig. 2A), a receptacle being formed in a elbow (Col. 6, Lns. 52-58), a shaft having a length and a flex (Fig. 1), a shaft first end fitted into a receptacle (Col. 6, Lns. 52-58) and a second end for support of a grip (Figs. 2A-B), a projection secured in a bore (Fig. 3, Col. 7, Lns. 21-22), a first end of a shaft secured in a receptacle in the form of epoxy, uniting a hosel with a head in the form of welds, a shaft secured in a non-rotatable manner in form of welds and epoxy (Col. 6, Lns. 59-63), a bore at a selected angle relative to a longitudinal axis of a body (Figs. 4A, 4C, Ref. No. 38), and a head being a metal in the form of welding the hosel to the head (Col. 6, Lns. 61-62).

Farmer lacks a polygonal shaped recess having a bottom surrounded with vertical walls of approximately 2 mm in height, a bore formed in a bottom of the recess, a hosel formed of a second and different material than a head, a rectangular shaped hosel body of between 1-3 inches in length, a foot having an outwardly flared polygonal shaped shoulder having vertical sides of about 2 mm downwardly directed projection, upper portions of a flared shoulder merged with the top of a putter head, and an outward flared shoulder fitted into a recess with vertical sides engaged against vertical walls.

Wu discloses having a neck of different materials than the head in order to adjust the center of gravity of the head to match various striking postures (Abstract). In view of the patent of Wu it would have been obvious to modify the putter of Farmer to have a hosel formed of a second and different material than a head in order to adjust the center of gravity of the head to match various striking postures for different golfers.

Lee disclose a polygonal shaped recess in the form of a square having a bottom surrounded with vertical walls having a height (Fig. 4), a bore (323) formed in a bottom of the recess (Fig. 4), a hosel having a shoulder which is polygonal in shape prior to a circular projection (Fig. 4), and a prior art embodiment of a foot having an outwardly flared polygonal shaped at the point where the flared foot merges with the top of a putter head (Fig. 1). Lee does not specifically state the height of the vertical walls of the recess or disclose the purpose of the recess but clearly one skilled in the art would selected a suitable height and purpose in which vertical walls of approximately 2 mm in height and the polygonal squared shoulder of the hosel fitting into a recess with vertical sides engaged against vertical walls are included. In view of the patent of Lee it would have been obvious to modify the putter of Farmer to have a head having a polygonal shaped recess having a bottom surrounded with vertical walls of approximately 2 mm in height, a bore formed in a bottom of the recess, a hosel having a polygonal shaped shoulder fitted into a recess with vertical sides engaged against vertical walls in order to ensure a hosel stays aligned and does not rotate once inserted into a head having a bore. In view of the prior art embodiment of Lee it would have been obvious to modify the putter of Farmer to have an outwardly flared polygonal shaped down to the point of the vertical sides directed downwardly to be placed in the recess in order to have the connection between the hosel and head visually

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pleasing to a golfer by having it flare at the merger of the hosel and head and in order to have a larger connection area between a hosel and a head to ensure it is not easily broken when a head impacts the ground. As such the foot would have an outwardly flared polygonal shaped shoulder having vertical sides of about 2 mm downwardly directed projection.

Delio discloses a hosel having a length of about the size of a diameter of a golf ball (Fig. 2) and a hosel having a rectangular shaped body (Figs. 1-2). It is admitted that prior art discloses that a diameter of a golf ball is about 1.7 inches in length. In view of the patent of Delio and admitted prior art (Examiner's Official Notice) it would have been obvious to modify the hosel of Farmer to have a length between 1-3 inches in order to utilize a hosel length used in the art for hosels which have elbows and offsets and in order that the hosel with a offset and elbow does not interfere with the ball when impacting a ball. In view of the patent of Delio it would have been obvious to modify the putter of Farmer to have a hosel with a rectangular shape in order utilize a cross sectional shape used in the market place for hosels, have a hosel visually pleasing to a golfer who prefers rectangular shapes and/or in order to have a larger connection area between a hosel and a head compared to a square shape to ensure it is not easily broken when a head impacts the ground.

### ***Response to Arguments***

5. The argument that figure 1 does not show a flared hosel bore being neither supported by the drawings nor the specification is not understood. The examiner cannot find where he stated that the bore was flared. Figure 1 was used to show an outward flared polygonal shape at the


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merger of the hosel and top surface of the head. Figure 1 is quiet to how this hosel and head are connected. The argument that Lee would not teach a 2 mm recess is disagreed. Clearly there is a recess and clearly it must have a height and it must be small. 2 mm is a suitable height. It is agreed that figure 4 of Lee does not disclose a flared foot. However figure 1 clearly shows a flared bottom portion of a hosel portion. The argument that the reference of Lee is improper due to no reference discloses a flared shoulder is disagreed with. Figure 1 in combination with figure 4 would make this an obvious combination.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (571) 272-4406. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Greg Vidovich whose telephone number is (571) 272-4415. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3700. (TC 3700 Official Fax 571-273-8300)

slb/ 6 September 2005

  
**STEPHEN BLAU**  
**PRIMARY EXAMINER**